



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1994

Mr. Leonard W. Peck, Jr.
Assistant General Counsel
Legal Affairs Division
Texas Department of Criminal Justice
P.O. Box 99
Huntsville, Texas 77342-0099

OR94-898

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26292. A member of the public has asked for a list of the names and addresses of parolees living within a specific zip code area. You believe that this information may be excepted from release pursuant to Texas Government Code section 552.101 and section 552.108.

Section 552.101 excepts information from disclosure under the Open Records Act "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Article 42.18, section 18 of the Code of Criminal Procedure makes certain information about parolees confidential and affirmatively requires the disclosure of other information. We believe that this provision affirmatively requires the disclosure of the requested information. Section 18 of article 42.18 provides as follows:

All information obtained and maintained in connection with inmates of the institutional division subject to parole, release to mandatory supervision, or executive clemency, or individuals who may be on mandatory supervision or parole and under the supervision of the pardons and paroles division, or persons directly identified in any proposed plan of release for a prisoner, including victim impact statements, lists of inmates eligible for parole, and inmates' arrest records, shall be confidential and privileged

information and shall not be subject to public inspection; provided, however, that all such information shall be available to the governor, the members of the board, and the Criminal Justice Policy Council to perform its duties under Section 413.021, Government Code, upon request. It is further provided that statistical and general information respecting the parole and mandatory supervision program and system, *including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.* [Emphasis added.]

The names of prisoners paroled by the Board of Pardons and Paroles are expressly open to public inspection under section 18 of article 42.18. In this case, however, the requestor in fact asks for information in addition to the names of inmates paroled by the Board of Pardons and Paroles. She also wants to know which of these persons reside in a specific zip code area. It has been held that the names and addresses of persons whose sentences have been commuted must be made available to the public. Open Records Decision No. 33 (1974) (construing statutory predecessor of Code of Criminal Procedure article 42.18, section 18); Open Records Letter No. 93-490 (1993) (copy enclosed). The reasoning of this ruling also applies to parolees.

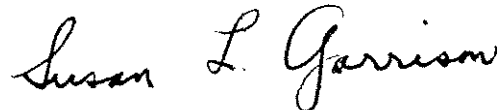
We assume you have zip code information for parolees, since this information is generally part of an individual's address. Section 18 requires you to release the names of parolees in the zip code in question.¹ The Open Records Act does not permit a governmental body to withhold information expressly made public by another statute. See Open Records Decision No. 613 (1993) at 4. Therefore, even if section 552.108 of the Government Code might otherwise except from disclosure the information requested in this case, you must release it under article 42.18, section 18 of the Code of Criminal Procedure.²

¹Section 18 of article 42.18, Code of Criminal Procedure, does not expressly provide that the names of parolees are available to the public classified according to zip code. However, a member of the public is entitled to obtain a list of the names and addresses of all parolees and this information would necessarily include the parolees residing within a particular zip code.

²You also argue that article 6252-13c.1, V.T.C.S., in conjunction with section 552.101 of the Government Code, excepts the requested information from required public disclosure. Article 6252-13c.1 requires certain sexual offenders who are released from prison to register with the local law enforcement authority in the municipality or county where the person resides or intends to reside for more than seven days. V.T.C.S. art. 6252-13c.1, § 2(a). The registration record includes the person's full name and home address, type of offense, and much other information. *Id.* § 2(b). Article 6252-13c.1 provides that "[a] person who releases the information required for registration under this article to a person other than a full-time, fully-paid, employed law enforcement officer" commits a Class B misdemeanor. *Id.* § 5. The registration requirement applies only to reportable convictions or adjudications occurring on or after

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SLG/MAR/rho

Ref.: ID# 26292

Enclosures: Open Records Letter No. 93-490
Submitted documents

cc: Ms. Susan R. Fisk
2014 Springrock Lane
Houston, Texas 77080
(w/o enclosures)

Ms. Pam S. Burnside
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Houston, Texas 77080
(w/o enclosures)

(Footnote continued)

September 1, 1991, or September 1, 1993, depending on the specific offense committed. You have not submitted any records for review, nor have you stated that any of the parolees in question are required to register under article 6252-13c.1. Therefore, we have no basis for concluding that the open records request before us even raises an issue under article 6252-13c.1, V.T.C.S. Accordingly, we will not address your argument based on this statute.